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Agent
Annual report of
the State Land
Agent of Montana

Third Annual Report

OF THE

State Land Agent

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Dec. 1, 1892--Nov. 30, 1893.

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Third Annual Report.

HELENA, Mont., Nov. 30, 1893.

Governor J. E. Rickards,
President State Board Land Commissioners,
Helena, Montana:

SIR—I have the honor to submit herewith the Third Annual Report of this office from December 1, 1892, to November 30, 1893, inclusive.

In the last annual report mention was made of two selections of land in the Missoula Land Office. One, of 28,380 acres, as indemnity for school lands lost by reason of fractional townships, which was rejected by the Land Office on the ground that said townships were not really fractional because only a portion of them had been surveyed on account of rugged mountains.

The Board appealed first to the Commissioner of the General Land Office, and subsequently to the Secretary of the Interior, who sustained the decision of the local Land Office. The other selections of 17,838.83-100 acres, was rejected by the Missoula Land Office because of an absurd technicality in the cession of the lands above Lo Lo Fork in the Bitter Root Valley to the United States by the Flat-head Indians.

The State appealed to the Commissioner of the General Land Office, who again sustained the decision of the local Land Office. The State deemed it useless to appeal further.

To remedy this matter the State requested its representatives in the house and in the senate to introduce a bill placing the State of

Montana on an equality with the settlers in selecting lands in that locality, and the bill is now pending.

During the past year the State has experienced its usual difficulty in finding suitable land to fill its grants for the various State institutions, as much the greater portion of the State is unsurveyed, and the most desirable part is always taken by squatters in advance of surveys. For this reason it was deemed advisable to offer filings as soon as the plats were open for that purpose, covering those portions desired by the State, subject, however, to the rights of bona fide settlers who file on their claims within the required time.

With this object in view, and with the approval of the Board, on January 9, 1893, I prepared and offered filings in the Missoula Land Office on 68,163.94-100 acres, situated in Tps. 31 N., R. 20 W., 30 and 31 N., R. 21 W., W. and S. W. from Columbia Falls, and Tps. 34 N., R. 20 and 21 W., on North Fork of the Flathead river, waiving contest with all actual settlers.

From above selection the State was on April 10, 1893, allowed 44,093.38-100 acres, which was apportioned as follows:

To Agricultural College.....	9,516.28
To Public Buildings.....	11,576.74
To Normal Schools.....	8,123.33
To School of Mines.....	8,049
To Deaf and Dumb Asylum.	3,681.11
To Reform School	3,146.92
	<u>44,093.38</u>

The State relinquished 1,223.01-100 acres of this to settlers who had been prevented by circumstances from filing on their claims within the prescribed time. This land was originally apportioned to public buildings, and the Land Office fees paid thereon, but subsequently the Board reconsidered the matter and divided it among all the institutions, as above, giving 9,516.28 acres to the Agricultural College, on which no fees were required, but on which \$120 had been paid. Application was made for repayment to the State of this sum, and it was referred to the Commissioner of the General Land Office, who decided that there was no law authorizing the repayment.

On January 12, 1893, I filed on the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$

of Sec. 34, T. 6 N., R. 2 E., near Townsend. It is worth at least \$10 per acre.

On March 8, 1893, with the approval of the Board, I filed on the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sec. 32 and the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sec. 33, T. 8 S., R. 4 W. It is enclosed in Larabee's field in Upper Ruby valley, and is good land.

In accordance with instructions issued to me March 28, 1893, I seized about 2,000 saw logs which had been cut and banked on the shore of the Missouri river on Sec. 36, T. 13 N., R. 3 W., near the Gate of the Mountains, branded the same and left them in charge of a person with instructions to prevent removal, reporting same to the Board March 31, 1893. Subsequently the parties settled the matter by paying the amount of damages assessed by the Board.

On June 6, 1893, I filed in the Missoula Land Office on 8,135-57-100 acres, all of which was given to the State Reform School. This land is in the vicinity of the junction of Clearwater and Big Blackfoot rivers in T. 14 N., R. 14 W., T. 15 N., R. 14 W., and T. 16 N., R. 14 W., all in Deer Lodge county.

On June 7th I filed in the Missoula Land Office on 5,391.26-100 acres, all of which was given to the Agricultural College. This land lies in the vicinity of Placid and Clearwater lakes, in T. 16 N., R. 15 W., being partly in Deer Lodge and partly in Missoula counties.

On June 19 I filed in the Missoula Land Office on 43,967.48-100 acres, apportioned as follows:

Agricultural College.....	9,831.85
Public Buildings.....	12,694.20
Normal Schools.....	7,024.10
School of Mines.....	7,258.94
Deaf and Dumb Asylum.....	3,607.52
Reform School.....	3,550.87
	43,967.48

These were the total selections from the one full and four fractional townships held as reserved for the State by the honorable Secretary of the Interior, dated January 14, 1892. These townships are

numbered T. 31 N., R. 23 W.; T. 32 N., R. 23 W.; T. 33 N., R. 23 W.; T. 31 N., R. 24 W., and T. 33 N., R. 24 W., and are all in the Stillwater valley, in Flathead county.

We had estimated that we would select 100,000 acres from these townships, but on examination we only found 43,967.48-100 acres worth taking, and the timber sharks requested, and insisted, that the State should relinquish fully one-half of this, so that they could secure it for speculative purposes, which, so far as I am aware, was not done.

Having ascertained that some parties were cutting and removing cord wood from Sec. 16, T. 12 N., R. 19 W., six miles south from Missoula, I had them arrested and they settled the matter by paying \$1 per cord for the wood they had taken, amounting to \$150 and costs.

On June 14, 1893, the State Board of Land Commissioners advertised that on August 2d and 4th they would offer at public sale the State lands in Missoula and Ravalli counties, and on June 24th they issued an order to the State Land Agent, or his assistant, to carefully examine said land and prior to August 1, 1893, report to the Board the "kinds of timber and quality and amount thereon, the approximate value of same, and also the value of said lands exclusive of timber now on same." In pursuance of this order I at once directed my assistant, Granville Stuart, to proceed to the said lands and make a careful examination of same as above and report as soon as possible. I also went into the field, and we carefully examined and reported on forty-five sections, with miniature plats of same, showing streams, timber, etc., and appraised all of them.

My assistant also investigated the alleged fraudulent filing of Henry Terou on the S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ and S. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ of Sec. 16, T. 4. N., R. 12 W., and found abundant evidence that the filing was fraudulent, and so reported, giving names and residence of witnesses, and had notice of contest served on Terou. The Register of the Missoula Land Office set September 28, 1893, for a hearing before him; depositions of witnesses were taken at Hamilton, and the case was heard at the time set, but no decision has been rendered as yet by the Register and Receiver.

My assistant also, at the same time, investigated the alleged

fraudulent filing and subsequent fraudulent obtaining of patent by James Kanes to the N. E. $\frac{1}{4}$ of Sec. 16, T. 4 N., R. 21 W., and found plenty of evidence that he had secured title to said land by fraud and perjury, and so reported, giving names and residences of witnesses. I also reported the case to the United States District Attorney, but do not know what steps, if any, have been taken in the matter. The lands which these parties have thus taken from the State are quite valuable. There are about 2,000,000 feet of large yellow pine timber on Kanes' claim, and there were about 1,500,000 feet of the same kind and quality on Terou's claim, but he sold it to J. A. Hedge of Riverside, who had just finished removing it at the time my assistant reached the scene. He also examined into the alleged cutting of saw logs on Sec. 36, T. 11 N., R. 20 W., and found that Thomas E. Sheridan, who had, by misrepresentation, obtained a lease on the S. W. $\frac{1}{4}$ of said section, had sold a large quantity of yellow pine trees that had been blown down by a gale subsequent to his leasing the land, to William McKeen, who had a sawmill near by, and that McKeen had cut and removed from the land a large number of saw logs from said down timber. I reported these facts together with names of witnesses to the Board.

About July 1, 1893, I made an examination of the timbered lands on the Big Blackfoot and Clearwater rivers, and about Placid lake, finding a tract of 480 acres of good timber land and also two homestead claims amounting to 283.50 acres, with no improvements on them and apparently abandoned. I subsequently saw one of the parties and my assistant the other and both waived any contest and kindly relinquished their claims, on which, and the tract above mentioned, I recommended filing for the State; total, 763.50-100 acres. I also, at the same time, filed on 1,281.98-100 acres of timber land in Nine Mile Creek valley.

August 15, 1893, I filed on 37,392.40-100 acres, on both sides of Whitefish and Stillwater rivers, in the north end of Flathead valley, and 13,036.71-100 acres in Swan River valley, northeast from Flathead lake.

The soil of most of these lands is a sandy loam, largely covered with fine yellow pine, tamarack and fir timber, very fertile and valuable.

These lands were apportioned as follows:

To Agricultural College.....	16,578.32 acres
To Public Buildings.....	10,724.17 acres
To Normal Schools.....	10,644.69 acres
To School of Mines.....	7,068.09 acres
To Deaf and Dumb Asylum.....	5,413.84 acres
	50,429.11 acres

September 4, 1893, I recommended filing on 2,444.40 acres, of which 400 acres are a few miles north from Great Falls, and 2,044.40 acres on the South Fork of Sun River. It is all prairie land, and was apportioned to public buildings.

I left Helena September 12, 1893, accompanied by Granville Stuart, for the purpose of examining the country lying between Big Blackfoot river and Flathead lake, to see if there was in that little known region any land suitable for selection by the State. We went on horseback, with a pack horse carrying our provisions, bedding and wagon sheet for shelter. We went by way of Silver creek, Trinity gulch, Canon creek, Virginia creek, once famous placer diggings; thence by Stemple, a mining village on the summit of the Rocky Mountains, where a large amount of work has been done on the many quartz lodes located around it. From here we went down the North Fork of Poor Man creek. About five miles below McClellan, Poor Man Creek enters an oval valley about twelve miles long by about two to six miles wide, at the lower end of which it empties into Big Blackfoot river, nearly opposite the mouth of Lincoln gulch. On the west side of the valley besides Lincoln, there is Beaver creek, Stonewall, Liverpool and Keep Cool gulches, in which some placer mining was done many years ago, but they seem abandoned now. On the east side is Poor Man, Humbug, and Seven Up Pete creeks. This valley, which should be called "Lincoln Valley," is well grassed and has a considerable quantity of valuable yellow pine and fir timber in it, but we found it mostly taken by settlers and by timber locators. I here located for the State 7,838.23-100 acres, being the best of the remaining surveyed lands, but 4,165 acres of this were designated on the township plats as "mineral land" and requires notice by publication for thirty days, for a hearing as to its being mineral or not. I saw no indications of mineral on it. The river in this valley has very low banks, only from two to four feet high, and considerable areas are annually flooded for a short time in the spring, at which time Landers Fork, a large tributary, becomes a frightful torrent from two to

three hundred yards wide, and brings down from the mountains quantities of boulders, drift logs and gravel. A large glacier once came down each fork, their moraines being piled up in the upper end of the valley, at that time a lake. Captain Lewis, of Lewis and Clarke's expedition, went up this stream with ten men on their return trip to the States in July, 1806, and described the country very accurately.

At the lower end of the valley the river enters a narrow canon about ten miles long and very tortuous, but having a few prairie openings, which are all occupied by settlers for the wild hay they produce. The adjacent mountains are mostly heavily wooded with yellow pine, fir, and white or lodge pole pine, a considerable part of which is large enough for lumber.

The canon opens into a considerable valley at the junction of the Big Blackfoot, the North, or Salmon Trout Fork, and Nevada Creek. This valley is heavily grassed, but is subject to deep snows. It produces fair crops of oats, and great quantities of wild and timothy hay, but is only sparsely settled.

That portion of the valley extending up the North Fork is very beautiful, being almost level, and covered with bunch grass, while the mountains and foothills are covered down to the plain with a heavy forest of yellow pine, fir, and white pine, much of it suitable for lumber.

Extending west from Patterson's prairie in the canon of the Big Blackfoot to the valley of the North Fork, is a comparatively level forest of large timber. A similar one extends from the North Fork west, along the base of the mountains to Montour creek, a stream of clear water about thirty yards wide, coming into the Blackfoot from the north. I recommend that the Board apply for the survey of the forest areas last described for the purpose of selecting them for the State.

On September 23d, we went up Shanley Creek, the valley of which is fenced into valuable meadow farms. I noted a fine forest near the foot of the mountains on the northeast side of the stream which should be surveyed.

There is a valley extending up Two Fork creek apparently ten or twelve miles, to a range of lofty mountains that lie between the head of this and Clearwater on the south, and the head of the South

Fork of Flathead river on the north. This valley is filled with a forest, mostly valuable yellow pine, and I selected it and some contiguous townships west of it for survey.

About three miles northwest from Clearwater lake we discovered a lake in the forest about one and a half miles long and half a mile wide, which I named "Stuart Lake" in honor of Granville Stuart. About one mile northwest of Stuart lake we came to another beautiful sheet of water about two miles long and three-quarters of a mile wide, with a wooded island near the southwest shore. The former I named "Lake Rickards" and the latter "Governor's Island."

There is only one small stream coming in from the east side after passing Two Fork, which empties into the southeast end of Stuart lake. There are several streams which have their source in the Mission range to the west, which furnish the principal water supply after the spring freshets are over. The country northwest of Clearwater lake for twenty miles alternates, first a lake and then a marshy prairie, there being, besides Stuart lake and Lake Rickards, two others of smaller size. In a swampy prairie above the fourth lake Clearwater and Swan rivers have their source; the former flowing southeast into the Big Blackfoot, and the latter nearly north to Swan lake, and thence into Flathead lake. The distance I reckoned at about sixty miles, but by trail, which was crooked, it must have been much farther, at it required six days to make the trip to the meadows at the south end of Swan lake.

On September 30th, when about fifteen miles south of the meadows, I met with a serious accident. My pony, in struggling through a miry place in the forest, fell and threw me against a tree, breaking my right arm near the shoulder. This occurrence put an abrupt end to our examination of lands and we returned to Helena as soon as possible.

In reference to selecting lands for survey, I would say that after leaving the vicinity of Clearwater lake we found none that are worth surveying at this time. There are about three townships on or near the east fork of Hughes, or Swan river that, if they were not so inaccessible, would be valuable, but being about twenty miles northwest from the head of Clearwater lake and about fifty to sixty miles from the head of Lake Hughes, through heavy forests of little present value, where snow falls very deep and roads are unknown, they could

not be surveyed for the maximum rates allowed, and would probably remain without settlers for several years, and may prove subject to severe frosts in summer.

We intended on our return trip to have examined the large timbered valley of the south fork of Flathead river, but my accident prevented.

On October 19, 1893. I offered filings in the Missoula Land Office on 27,392.98-100 acres, mostly west and northwest from Flathead lake, but found that there had been some filings made by settlers in T. 25 N., R. 20 W., and that the Flathead Indians had laid claim to quite a lot of land in T. 25 N., R. 21 W., which I had included in my selections, and that this township had been withdrawn from settlement by the Interior Department pending the selection by the Indians of lands claimed by them. The practice of allowing Indians to go outside of their unreasonably large reservations to select land is wrong in principle and will result in bitter feeling and conflicts between them and the white settlers, and has resulted in bloodshed already on the land adjacent to the Crow Indian reservation. I found further that the Northern Pacific Railroad Company, in order to make good some alleged loss of land because of the Flathead Indian reservation, had offered filings on another considerable portion of this selection, which was rejected, but they appealed and the land was therefore hung up pending a decision from the General Land Office. Therefore there was taken from my lists, by Indians and settlers 1,291.31-100 acres, and by the Northern Pacific Railroad company contest 7,344.56-100 acres, a total of 8,635.87-100 acres, so that I could only file on 18,757.11-100 acres, which was apportioned as follows:

Normal School.....	5,822.14
School of Mines.....	4,333.52
Public Buildings.....	3,908.44
Deaf and Dumb Asylum	3,839.93
University.....	853.08
	18,757.11

I also put in a separate filing for the 7,344.56-100 acres in contest with the Northern Pacific Railroad Company, and if the decision is against the railway the State will probably secure this valuable land.

For the purpose of effecting a settlement with William McKeen for timber cut by him on Sec. 36, T. 11 N., R. 20 W., and to ascertain the amount of timber suitable for lumber, both down and standing on said section, and also on Secs. 24 and 12, same township, the Board directed me to have the down timber on said sections measured and the standing timber estimated, which was done with the following result:

Down timber cut and hauled by McKeen from Sec. 36..	109,668 ft.
Down timber remaining on Sec. 36.....	516,740 ft.
Standing timber, estimated.....	<u>3,728,448 ft.</u>

Total	<u>4,354,856 ft.</u>
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Down timber on University Sec. 24	316,285 ft.
Standing timber on Sec. 24, estimated.....	<u>5,000,000 ft.</u>

Total	<u>5,316,285 ft.</u>
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If not sawed into lumber before the summer of 1894 the down timber on both these sections will be so dotted and decayed that it will be a total loss to the State.

There are only a few trees blown down on University section 12 of same township. The standing timber on this section is estimated at 4,500,000 feet.

Summary of Selections of Lands for the State.

PUBLIC BUILDINGS.

Nov. 11, 1891, list No. 1, Bozeman Land Office.....	4,486.92
Sept. 5, 1892, list No. 2, Bozeman Land Office	17,791.77
Nov. 29, 1892, list No. 1, Helena Land Office.....	15,751.20
Nov. 29, 1892, list No. 2, Helena Land Office.....	5,042.14
Jan. 9, 1893, list No. 1, Missoula Land Office.....	11,576.74
Jan. 20, 1893, list No. 3, Helena Land Office.....	40.
March 8, 1893, list No. 4, Helena Land Office.....	80.
June 19, 1893, list No. 2, Missoula Land Office.....	12,294.02
Aug. 15, 1893, list No. 3, Missoula Land Office.....	8,392.10
Sept. 11, 1893, list No. 5, Helena Land Office	2,444.40
Oct. 21, 1893, list No. 4, Missoula Land Office.....	3,908.44
Nov. 13, 1893, list No. 6, Helena Land Office.....	2,400.

No. of acres 84,207.73

Relinquished to W. F. McKisson.....120 acres

Relinquished to W. B. Wright.....160 acres

280.

Total No. of acres.....83,927.73

AGRICULTURAL COLLEGE.

June 24, 1892, list No. 1, Helena Land Office.....	11,038.15
Aug. 31, 1892, list No. 2, Helena Land Office.....	6,976.11
Oct. 11, 1892, list No. 1, Bozeman Land Office	2,934.71
Jan. 9, 1893, list No. 1, Missoula Land Office.....	9,516.28
June 7, 1893, list No. 2, Missoula Land Office.....	5,391.26

June 19, 1893, list No. 3, Missoula Land Office.....	9,391.63
July 25, 1893, list No. 4, Missoula Land Office.....	2,045.49
Aug. 15, 1893, list No. 5, Missoula Land Office.....	13,963.70
Nov. 13, 1893, list No. 3, Helena Land Office.....	1,320.

No. of acres 62,577.33

Relinquished to Joseph Tetrault..... 40.

Relinquished to John Bolick..... 109.88

149.88

Total No. of acres..... 62,427.45

SCHOOL OF MINES.

Nov. 11, 1891, list No. 1, Bozeman Land Office.....	1,277.26
June 24, 1892, list No. 1, Helena Land Office.....	10,564.82
Aug. 30, 1892, list No. 2, Helena Land Office.....	5,106.08
Oct. 11, 1892, list No. 2, Bozeman Land Office.....	9,184.03
Jan. 9, 1893, list No. 1, Missoula Land Office.....	8,049.
June 19, 1893, list No. 2, Missoula Land Office.....	7,066.08
Aug. 15, 1893, list No. 3, Missoula Land Office.....	6,102.87
Oct. 21, 1893, list No. 4, Missoula Land Office.....	4,333.52
Nov. 13, 1893, list No. 3, Helena Land Office.....	869.15

No. of acres 52,552.81

Relinquished to John Bloor..... 160

Relinquished to Frank A. Wright..... 80

240.

Total No. of acres..... 52,312.81

NORMAL SCHOOLS.

Nov. 11, 1891, list No. 1, Bozeman Land Office.....	2,564.84
June 21, 1892, list No. 1, Helena Land Office.....	10,205.72
Aug. 31, 1892, list No. 2, Helena Land Office.....	5,463.65
Oct. 2, 1892, list No. 2, Bozeman Land Office.....	4,467.06
Jan. 9, 1893, list No. 1, Missoula Land Office.....	8,123.33
June 19, 1893, list No. 2, Missoula Land Office.....	6,385.44

Aug. 15, 1893, list No. 3, Missoula Land Office.....	8,645.76
Oct. 21, list No. 4, Missoula Land Office.....	5,707.08
No. of acres.....	51,562.88
Relinquished to James J. Quinlivan.....	160.
Relinquished to Patrick McCarty	33.13
Relinquished to Henry Hanert.....	80.
Relinquished to Joseph Tetrault.....	120.
	— 393.13
Total No. of acres.....	51,169.75

REFORM SCHOOL.

Nov. 11, 1891, list No. 1, Bozeman Land Office	642.32
June 24, 1892, list No. 1, Helena Land Office.....	5,960.
Aug. 2, 1892, list No. 2, Helena Land Office.....	2,853.37
Oct. 11, 1892, list No. 2, Bozeman Land Office	5,810.35
Jan. 9, 1893, list No. 1, Missoula Land Office.....	3,146.92
June 6, 1893, list No. 3, Helena Land Office.....	8,135.57
June 19, 1893, list No. 2, Missoula Land Office.....	3,390.87
No. of acres.....	29,939.40
Relinquished to John Curtis.....	160
	— 160.
Total No. of acres.....	29,779.40

DEAF AND DUMB ASYLUM.

Nov. 11, 1891, list No. 1, Bozeman Land Office.....	640.
June 24, 1892, list No. 1, Helena Land Office.....	4,960.
Aug. 31, 1892, list No. 2, Helena Land Office.....	2,801.38
Jan. 9, 1893, list No. 1, Missoula Land Office.....	3,681.11
June 19, 1893, list No. 2, Missoula Land Office.....	3,482.27
Aug. 15, 1893, list No. 3, Missoula Land Office.....	5,195.73
Oct. 21, 1893, list No. 4, Missoula Land Office.....	3,839.93
Nov. 13, 1893, list No. 3, Helena Land Office.....	1,520.
No. of acres.....	26,120.42
Relinquished to Louis Mongrain.....	159.93
	— 159.53
Total No. of acres.	25,960.49

UNIVERSITY GRANT OF 1881.

Oct. 21, 1893, list No. 1, Missoula Land Office.....853.08 acres

MONTANA NATIONAL GUARD.

Nov. 11, 1891, list No. 1, Bozeman Land Office.....640 acres

SUMMARY.

Selected in 1891-2.....	136,520.88 acres
Selected in 1893.....	170,438.69 acres
Total	306,959.57 acres

TOTALS SELECTED FOR EACH INSTITUTION TO
NOVEMBER 30, 1893.

Public Buildings to Nov. 30, 1892...43,972.03 }	84,207.73 per ct 46.3
Public Buildings to Nov. 30, 1893...41,135.70 }	
School of Mines to Nov. 30, 1892...26,132.19 }	52,552.81 per ct 52.5
School of Mines to Nov. 30, 1893...26,420.62 }	
Reform School to Nov. 30, 1892...15,266.04 }	29,939.40 per ct 59.8
Reform School to Nov. 30, 1893...14,673.36 }	
Normal Schools to Nov. 30, 1892...22,701.27 }	51,562.88 per ct 51.5
Normal Schools to Nov. 30, 1893...28,861.61 }	
D. and D. Asylum, Nov. 30, 1892.. 8,401.38 }	26,120.42 per ct 52.2
D. and D. Asylum, Nov. 30, 1893...17,719.04 }	
Agricultural College, Nov. 30, 1892..20,948.97 }	62,577.33 per ct 44.6
Agricultural College, Nov. 30, 1893..41,628.36 }	
Total	306,959.57
University land selected in 1883.....45,226.70 }	46,079.78 per ct 100.
University land selected in 1893..... 853.08 }	
Military Camp, Fort Ellis.....	640
Total acres selected	353,679.35

The State relinquished to settlers from Public Buildings selection.....	280	acres
The State relinquished to settlers from Normal Schools selection.....	393.13	acres
The State relinquished to settlers from School of Mines selection.....	240	acres
The State relinquished to settlers from Reform School selection.....	160	acres
The State relinquished to settlers from Deaf and Dumb Asylum selection	159.93	acres
The State relinquished to settlers from Agricultural College selection.....	149.88	acres
Total.....	1,382.94	
Total acres selected.....	353,679.35	
Less amount relinquished	1,382.94	
Net selections.....	352,296.41	

There have been relinquished by the State because the following named persons had established priority by right of settlement the following tracts of land, which had been apportioned to the several institutions as follows:

PUBLIC BUILDINGS.

To W. F. McKisson, N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of Sec. 24, T. 34 N., R. 21 W.....	40	acres
To Frank A. Wright, N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of Sec. 15, T. 30 N., R. 21 W.....	80	acres
To W. B. Wright, W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$; S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$; N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ Sec. 15, T. 30 N., R. 21 W.....	160	acres
Total.....	280	

NORMAL SCHOOLS.

To James J. Quinlivan, S. $\frac{1}{2}$ of S. E. $\frac{1}{4}$; S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$; S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ Sec. 1, T. 30 N., R. 21 W.....	160	acres
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To Patrick McCarty, lots 1 and 2, Sec. 6, T. 30 N., R.	
21 W.....	33.13 acres
To Henry Hanert, S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ and N. W. $\frac{1}{4}$	
of S. W. $\frac{1}{4}$, Sec. 2, T. 30 N., R. 21 W.....	80 acres
To Joseph Tetrault, S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ of S.	
E. $\frac{1}{4}$, Sec. 33, T. 30 N., R. 21 W.....	120 acres
Total.....	393.13

AGRICULTURAL COLLEGE.

To Joseph Tetrault, N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34, T.	
30 N., R. 21 W.....	40 acres
To John Bolick, S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ and lot 3, Sec. 24,	
and N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of Sec. 25, T. 30 N., R.	
21 W.....	109.88 acres
Total.....	149.88

SCHOOL OF MINES.

To John Bloor, N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$ of N. E.	
$\frac{1}{2}$ of Sec. 9, and S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ and N. W.	
$\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 10, T. 30 N., R. 21 W.....	160 acres
To Frank A. Wright, S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of Sec. 9, and	
S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 10, T. 30 N., R. 21 W. 80	acres
Total.....	240 acres

REFORM SCHOOL.

To John Curtis, S. W. $\frac{1}{4}$ Sec. 34, T. 31 N., R. 20 W....	160 acres
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DEAF AND DUMB ASYLUM.

To Louis Mongrain, S. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ of N.	
E. $\frac{1}{4}$ and lot 1 (39.93 acres) Sec. 30, T. 25 N., R.	
20 W.....	159.93 acres

I would suggest that there should be a provision in all leases restricting the lessees from cutting, girdling, or in any manner destroying any green standing timber.

During the year I have devoted much time to examination of the unsurveyed portions of the State, so as to determine for what parts to recommend applications for survey, with the following result:

I think it would be to the advantage of the State for the Board to apply for survey of what will be the following tracts when surveyed:

That part of T. 15 N., R. 10 W., lying south of Lincoln Gulch mountains, and west of Patterson's prairie on the Big Blackfoot river.

That part of T. 14 N., R. 10 W., lying south of same mountains.

That part of T. 15 N., R. 11 W., comprising Secs. 7, 8, 9, 16, 17, 18, 19, 20, part of 21 and 29 and all of 25, 30, 35 and 36.

All the unsurveyed portion of T. 15 N., R. 12 W.

All of T. 16 N., R. 14 W. that is now unsurveyed.

Sections 2 and 11.

Township 14 N., R. 11 W.

The south $\frac{1}{2}$ of T. 16 N., R. 13 W.

All of T. 13 N., R. 15 W.

The N. $\frac{1}{2}$ of T. 13 N., R. 14 W.

All of T. 15 N., R. 15 W.

All of T. 17 N., R. 15 W.

The W. $\frac{1}{2}$ of T. 17 N., R. 14 W.

All of T. 18 N., R. 15 W.

The E. $\frac{1}{2}$ of T. 18 N., R. 16 W.

Then the Board applies for survey of the above tracts it should

also make a strong effort to have the honorable Secretary of the Interior withdraw the same from settlement pending survey, and for sixty days after the township plats are filed in the local Land Office, to enable the State to have an equal chance with the timber sharks who are now flocking in from Minnesota, Michigan and Wisconsin.

For the purpose of examining school sections 16 and 36, and also to select land to fill the various grants from the United States, it is imperatively necessary to have copies of the township plats which are on file in the local Land Offices; therefore this office has during the year made copies of forty-three township plats and, with the approval of the Board, has had 165 township plats photographed in triplicate, of full size, one copy for filing in the office of the Board, one for the State Land Agent's office, and one for use in the field.

For further selections under the grants, and to enable the State to protect its lands, it is necessary for the State to have copies of all township plats within its borders. The saving to the State will speedily more than repay the cost of the plats.

In conclusion I thank the members of the Board, the Surveyor General, the officials of the local Land Offices, the Clerk of the Board of Land Commissioners, and the railroads of the State for information and courtesies shown.

Respectfully submitted,

R. O. HICKMAN,

State Land Agent.

Fourth Annual Report.

HELENA, Mont., Nov. 30, 1894.

*Governor J. E. Rickards,
President State Board Land Commissioners,
Helena, Montana.*

SIR: I have the honor to submit herewith the fourth annual report of this office from December 1, 1893, to November 30, 1894, inclusive. The same difficulties that have heretofore existed in the selection of desirable lands to fill the several grants are still experienced, but in a more pronounced degree, as the surveys for the past year have been largely upon lands not especially regarded as valuable for State purposes.

Your agent has found among the settlers, or rather large landed proprietors, a sentiment adverse to the State taking public lands in their immediate vicinity, they holding that it retards settlement and takes so much land out of the taxpaying lists as to make it a hardship upon the actual settlers to pay the expenses of the different counties. This has been the complaint from the counties east of the main range of the Rocky mountains.

On the Western slope, which is composed largely of timbered lands, we have several classes of men to deal with. First, the large sawmill syndicates, who influence men to locate land under the Timber and Stone Act, which class is rapidly stripping the land of the most valuable timber.

During the past year a large amount of capital has come in from Eastern States to invest in timbered lands, mostly for speculative purposes. I find that in many instances parties who do not wish to in-

vest the sum of \$2.50 per acre under the Timber and Stone Act, go ahead of the surveyors and select a quarter section valuable only for timber, and much of it so steep that it is difficult to climb, erect a small hut and call it a homestead, and manage in some way to get their location noted by the surveyors. Then, after the plats are filed in the Local Land Offices, they offer filings for homestead, claiming settlement prior to the survey thereof. After the filings are accepted, they at once commence to strip the land of its only value, which is timber, having no intention to complete the title, but only to see how quickly they can cut and dispose of the timber. They then go to parts unknown or locate on other lands under some other title.

Another class of men are those who induce the Indians of the Chippewa, or other tribes who have not heretofore availed themselves of the allotments of public land, to come and locate on our best timber land, surveyed and unsurveyed, taking land in severalty in quantities of 160 acres to each adult and eighty acres to each minor child.

Should this action be approved, the effect will be to withdraw the timber on said sections from market for the period of twenty-five years. The only benefit the State could expect to derive from such selections would be that so much timber would be withdrawn from the markets, thereby creating a demand for timber owned by the State at an earlier date.

I find the lands on Big Blackfoot, which have been surveyed and were mostly valuable for timber, have either been cut over by permits from the government, located by the State, by corporations or private individuals, so that the quantity of timber available is nearly exhausted.

In the annual report of 1893, reference was made to depredations on timber lands on the Bitter Root river, where one William McKen had been found by actual measurement to have cut 109,668 foot of timber from Sec. 36, T. 11 N., R. 20 W. On the 10th day of December following the State Land Agent was instructed to call upon Mr. McKen for settlement, which was made by paying the sum of \$115, which sum was by your Agent paid over to the State Board of Land Commissioners.

Another case has come to the notice of the Agent wherein Mr. Joseph Hooper of Lincoln valley had cut about 63,000 feet from Sec.

26, T. 14 N., R. 9 W., which was taken under grant for Agricultural College. As soon as Mr. Hooper was notified of the amount demanded, he gave a check in settlement to your Agent, who paid the same over to the Board.

Still another case is that of J. C. Cunningham for Big Blackfoot Milling Company on unsurveyed Sec. 36, T. 14 N., R. 17, W. The depredations have been committed from year to year, as near as I can judge, from 1890 to the past winter. The entire amount cut and removed is by actual scale 184,068 feet. As the timber has been removed from the land and gone into the boom of the Big Blackfoot Milling Company at Bonner and is impossible of identification, your Agent has as yet made no demand for settlement for the same.

I would recommend that a law be passed similar to the United States statutes at large governing such cases, wherein you can follow the lumber from the stump through its various changes until it is worked into furniture, providing that the parties who commit the depredations, or the individual or corporation who aids or abets, shall be held equally liable.

In two previous reports reference has been made to the fact that in the fall of 1892, selections were made of something over 46,000 acres of land situated in Bitter Root valley, all of which were rejected by the Local Land Office on the ground that said selections were made upon fifteen townships situated south of the Lo Lo Fork, and which had been thrown open to actual settlers and townsites only.

From this decision the Board appealed to the Commissioner of the General Land Office and from him to the Secretary of the Interior, both of whom sustained the decision of the Local Land Office. Early in 1893 your Agent had the following bill prepared:

"An Act authorizing the State of Montana to make selections from certain public lands.

Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

That it shall be lawful for the State of Montana to select as a part of the lands granted the said State under the provisions of an Act entitled, "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota,

Montana and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22d, 1889, and an Act entitled, "An Act to amend sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," approved February 28th, 1891, any of the lands in the Bitter Root valley, lying above the Lo Lo Fork of the Bitter Root river, mentioned and described in an Act entitled, "An Act to provide for the removal of the Flathead and other Indians from the Bitter Root valley in the Territory of Montana," approved June 5th, 1872: *Provided*, however, that no existing rights to any of the said lands initiated under any of the laws of the United States shall be invalidated by this Act."

This bill was forwarded to our senator and representative in congress for the purpose of giving the State the same rights as were had by private individuals. The bill passed the lower house during the winter of 1893-94 and in the senate it got into the hands of the committee on Public Lands, where it rested until July, 1894, when your Agent wrote from Chicago to Senator T. C. Power as follows:

"CHICAGO, Ill., July 10, 1894.

DEAR SIR—Will you please inform me what has become of the bill authorizing the State to make selections of land situated in the fifteen townships south of the Lo Lo Fork in the Bitter Root valley, and oblige.

Yours respectfully,

R. O. HICKMAN."

On or about August 1, 1894, I received the following reply:

"WASHINGTON, D. C., July 26, 1894.

Hon. R. O. Hickman,

Helena, Montana:

DEAR SIR—Enclosed please find copy of the act pertaining to the lands in the Bitter Root valley, which passed the senate this morning. (See tomorrow morning's Record). Will send you a copy of

the act when signed by the President. Please accept thanks for your putting me in mind of this bill. Had I not received your letter from Chicago I should have forgotten this important duty.

Yours respectfully,

(Signed) T. C. POWER."

This bill would have served the purpose provided there had not been so much delay in its becoming a law, which did not occur until August 3, 1894, and during the sixteen months that we were endeavoring to have the bill passed, about 80 per cent of this land was selected by settlers, so that instead of getting 46,000 acres, your agent has only been able to secure 9,370.87-100 acres.

On January 9, 1894, I selected in the Lincoln valley, Deer Lodge county, for account of public building list No. 7, Helena Land Office, 4,005.74-100 acres.

On July 2, 1894, selection was made for public buildings list No. 8, Helena Land Office, 1,040 acres, situated on the South Fork of Sun River in Lewis and Clarke county.

On July 14, 1894, selections were made for account of public buildings list No. 9, Helena Land Office, of 2,778 acres of timber lands, situated in Tp. No. 13 N., R. 14 W., on the south side of the Big Blackfoot river, in Deer Lodge county, near Sunset P. O.

On August 31, 1894, filings were offered at the Missoula Land Office for account of public buildings list No. 6 for 2,720 acres of timber lands, situated in Tp. No. 13 N., R. 15 W., near the county line of Deer Lodge and Missoula. This was selected on the adjoining township and just east of Camas prairie.

On the same date filings were offered for selections for account of Agricultural College list No. 6, Missoula Land Office, for 2,529.63-100 acres of timber lands situated in Tp. No. 13 N., R. 15 W. This is near the last selections for public buildings.

On October 5, 1894, I selected for public building list No. 7, Missoula Land Office, 2,758.47-100 acres of agricultural land, situated in Tps. 8, 9 and 10 N., R. 19 W., situated on the east side of the Bitter Root river, both above and below Stevensville; mostly below and easterly.

On the same date, for Agricultural College list No. 7, Missoula Land Office, filings were made on 5,760 acres of agricultural land, situated in the same vicinity.

As a selection for Normal School list No. 5, Missoula Land Office, filings were made upon 911.80-100 acres of agricultural land situated in the Bitter Root valley between Stevensville and Rogues' Fork.

On October 22, 1894, I prepared and offered filings for account of public buildings list No. 8, Missoula Land Office, on 3,960 acres of timber lands situated in Tp. No. 2 N., R. 19 W.

On the same date, filings were offered for account of School of Mines, list No. 4, Missoula Land Office, on 3,280 acres of timber lands situated in Tp. 1, N. of R. 19 W. These last two selections are situated on the East Fork of the Bitter Root river in the vicinity of what is known as Ross's Hole, about forty miles south of Hamilton.

On November 20, 1894, filings were prepared and offered at the Local Land Office at Missoula on account of Normal School list No. 6, for 4,760 acres of agricultural land situated in Tps. 6 and 7, N. of R. 20 W., between the towns of Grantsdale and Stevensville. This selection comprises a part of the lands selected by State Land Agent Granville Stewart in 1892, but which had been rejected as hereinbefore stated, on account of its being on lands that were open only to homestead settlers and townsite claimants. Before a decision was had and while it was yet in contest a large number of persons went on different portions of this land during the months of March, April and May, 1894, and erected small shacks or cabins. To all appearances, however, they had abandoned the same, as there is no indication of their having resided upon or cultivated the land.

There being no fences, wells or water ditches, or even any water within a mile or more of them, and the entire non-compliance with the laws being so apparent, I was induced to select the same and enter contests so as to compel those filing D. S. entries to comply with the laws or abandon their claims. As the records in the Land Office at Missoula show that most of those making these D. S. entries are men of some profession living in town and some miles away from the land in question, I have subsequent to this date, November 20, in the case

of Robert F. Camp, D. S. No. 471, entered a protest both with the Commissioner before whom the proof was taken and the Register and Receiver of the Local Land Office at Missoula, which will give us a standing in the court.

Sec. 36, Tp. 7 N., R. 21 W., is situated two miles west from Corvallis and on the west side of the Bitter Root River. The station for Corvallis was formerly at what was known as Woodside on the Bitter Root and Montana railroad, but during the past year the depot has been moved about one mile south and on the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of this section. On the S. E. $\frac{1}{4}$ of this section there is very little timber and of an inferior quality.

I think it would be well for the State Board of Land Commissioners to plat at least the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ and place the same on the market, as there is no doubt it will be wanted by different parties for elevators, warehouses, etc., for shipments of grain and other produce, in the near future. This section is mostly good agricultural land, after timber is removed, and can be easily irrigated from Blodgett creek, which runs through about the center from south to north. When your Agent was last there, on November 19, a Mrs. Palmer, station agent at Corvallis, desired to purchase the S. E. $\frac{1}{4}$, but thought the appraised price of \$15.00 per acre was too high. However, if your Agent owned the same, he would increase rather than diminish the price.

Complaints have been made at this office that parties were trespassing on Sec. 36, Tp. 13 N., R. 18 W., which is in the Hell Gate canyon, three miles east of Bonner station on the N. P. R. R., by cutting and banking cordwood along the railroad right-of-way. I visited the same in a snowstorm and made as close an examination as I could, but came to the conclusion that, while the wood was banked on Sec. 36, it had been mostly cut from adjoining sections and hauled on to this to be loaded on the cars.

PUBLIC BUILDINGS LIST.

Selections up to December 1, 1893.....83,925.73

Selected during past year, 1894, as follows:

July 1, list No. 7, Helena Land District.....4,005.74	} 7,823.74
July 2, list No. 8, Helena Land District.....1,040.	
July 14, list No. 9, Helena Land District.....2,778.	

Aug. 31, list No. 6, Missoula Land District.....	2,720.	}	9,438.47
Oct. 5, list No. 7, Missoula Land District.....	2,758.47		
Oct. 22, list No. 8, Missoula Land District.....	3,960.		

Total No. of acres..... 101,189.94

From this amount the following has been relinquished:

Jan. 18, 1894, J. J. Stafford, N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ Sec. 14, Tp. 10 N., R. 1 E.....	40	acres
Jan. 18, 1894, F. Lippert, N. E. $\frac{1}{4}$ Sec. 34, Tp. 6 N., R. 2 E.....	160	acres
Jan. 18, 1894, C. H. LeFever, S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ Sec. 8, Tp. 8 N., R. 2 E.....	40	acres
Jan. 18, 1894, J. L. Bompert, S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ Sec. 8, Tp. 8 N., R. 2 E.....	40	acres
Jan. 18, 1894, S. S. Richards, W. $\frac{1}{2}$ S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ Sec. 18, Tp. 9 N., R. 2 E.....	20	acres
Jan. 18, 1894, A. Knowels, N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ Sec. 20, Tp. 30 N., R. 21 W.....	160	acres
March 9, 1894, F. C. Bailey, S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ lots 9 and 10, Sec. 27, T. 27 N., R. 19 W.....	116.70	acres
Aug. 7, J. M. Bowls, N. E. $\frac{1}{4}$ Sec. 1, Tp. 13 N., R. 14 W.....	40	acres
	616.70	acres
Leaving a net for the State.....	100,573.24	acres

AGRICULTURAL COLLEGE.

Selections prior to December 1, 1893	62,577.33	
Nov. 30, 1894, Missoula Land District.....	2,529.63	
Oct. 5, 1894, Missoula Land District.....	5,760	—
Total.....	70,866.96	
Relinquished in 1893.....	149.88	
Jan. 18, 1894, to Stephen Bailey, N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ S. $\frac{1}{2}$ N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ Sec. 29, T. 30 N., R. 21 W.....	160	
Jan. 18, 1894, to Ludwig Horntvedt, E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ Sec. 34, T. 30, N., R. 22 W.....	160	469.88
Total.....		70,397.08

SCHOOL OF MINES.

Net selections prior to December 1, 1893.....	52,312.81
Oct. 22, Missoula Land District, list No. 4.....	3,280
Total	<u>55,592.81</u>

Relinquishments made as follows:

Jan. 18, to E. Wetzell, lots 1 and 2, Sec. 19, and S. $\frac{1}{2}$ S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ Sec. 20, T. 31 N., R. 21 W.....	153.20
Jan. 18, to Mary A. Wright, N. $\frac{1}{2}$ S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ Sec. 9, T. 30 N., R. 21 W.....	160
March 8, to Caroline Levenz, N. E. $\frac{1}{4}$ Sec. 20, T. 27 N., R. 19 W.....	160
July 19, to Charles C. Burgoyne, S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ Sec. 13, T. 30 N., R. 21 W.....	40
	513.30
Total for State for School of Mines.....	<u>55,079.61</u>

NORMAL SCHOOL.

Net selections prior to December 1, 1893.....	51,169.75
Oct. 5, Missoula Land District, list No. 5.....	911.80
Total	<u>52,081.55</u>

Relinquishments made as follows:

Jan. 18, to John S. Lott, W. $\frac{1}{2}$ N. W. $\frac{1}{4}$ W. $\frac{1}{2}$ S. W. $\frac{1}{4}$ Sec. 26, T. 3 S., R. 6 W.....	160
Jan. 18, to R. J. Werner, W. $\frac{1}{2}$ S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ Sec. 25, T. 31 N., R. 21 W.....	160
Jan. 25, to F. W. Levenz, N. $\frac{1}{2}$ S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ and Lot 3, Sec. 21, T. 27 N., R. 19 W.....	159.86
Feb. 2, to Charles Miller, S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ Sec. 33, T. 30 N., R. 21 W.....	40
	519.86
Total for State for Normal School.....	<u>51,561.86</u>

DEAF AND DUMB ASYLUM.

Selected prior to December 1, 1893.....	26,120.42
Relinquished to L. Mongrain.....	159.93
Total No. of acres.	25,960.49

There have been no selections or relinquishments during the year 1894.

REFORM SCHOOL.

Selections prior to December 1, 1893.....	29,939.40
Relinquished to John Curtis in 1893.....	160 acres
Relinquished to S. Campbell, N. W. $\frac{1}{4}$ Sec. 8, T.	
1 N., R. 3 E.....	160 acres
	320.00
Total No. of acres.....	29,619.40

There have been no selections for Reform School during the year 1894.

Total grant to Public Buildings.....	182,000 acres
Total grant to Agricultural College.....	140,000 acres
Total grant to Normal School.....	100,000 acres
Total grant to School of Mines.....	100,000 acres
Total grant to Deaf and Dumb Asylum. ...	50,000 acres
Total grant to Reform School.....	50,000 acres
University Land Grant.....	46,080 acres
Military Camp, Fort Ellis.....	640 acres
	668,720
Total selections prior to Nov. 30, 1894.....	383,423 acres
Relinquished during 1893.....	1,382.94
Relinquished during 1894.....	2,129.76
	3,512.70 acres
Secured for State.....	379,910.30
There remains for future selections to fill grant.....	288,809.70
Grant for Public Buildings.....	182,000 acres
Selections for same.....	100,573.24 acres
Leaving to be selected.....	81,573.76 acres
Per cent. of selections made 55 1-5.	

Grant for Agricultural College	140,000	acres
Selections for same.....	70,399.08	acres
Leaving to be selected.....	69,602.92	acres
Per cent. of selections made 50 4-10.		

Grant for Normal School.....	100,000	acres
Selections for same.....	51,561.69	acres
Leaving to be selected	48,438.31	acres
Per cent of selections made 51 1-10.		

Grant for School of Mines.....	100,000	acres
Selections for same.....	55,079.61	acres
Leaving to be selected.....	34,920.39	acres
Per cent. of selections made 55.		

Grant for Deaf and Dumb Asylum.....	50,000	acres
Selections for same.....	25,960.49	acres
Leaving to be selected.....	24,039 51	acres
Per cent of selections made 51 9-10.		

Grant for Reform School.....	50,000	acres
Selections for same.....	29,619.40	acres
Leaving to be selected	20,380.60	acres
Per cent of selections made 59 2-10.		

University lands selected in 1883 by R. H. Howie...	45,226.70	acres
University lands selected in 1893 by R. O. Hickman.	853.30	acres
Total	46,080	acres
Per cent of total grant 100.		

Military Camp, Fort Ellis.....	640	acres
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There is still a small shrinkage from the net selections made to fill the several grants, but owing to the fact that since August 1, 1894, all papers relating to contests have been by the State Board of Land Commissioners referred to the Attorney General, this office is deprived of the full statistics which might otherwise be written.

The number of acres reported as having been filed on is not a true index of the number of acres selected. Sometimes the Land

Agent selects and offers filings on several thousand acres, and from these selections he may lose from 10 to 90 per cent of the acreage selected. Those who are wishing to select land watch the Land Agent, and if they think he intends to select a certain piece of land, they at once rush to the local Land Office and make their filings before the Agent has time to prepare his lists.

I do not think it for the best interests of the State to use too much haste in the selection of its lands to fill the several grants. The selections for the different purposes now run from 51 to 59 per cent and we have plenty of land in sections 16 and 36 to keep the Land Board busy in having it appraised and leased for years to come. The minimum price for which these lands can be sold, viz: \$10 per acre, appears at the present time to be excessive. There are but few tracts, only such as are situated near towns or cities, that can be sold for that price. There will be desirable lands to select twenty-five years hence, for at the present rate of surveying it will require that length of time to complete the survey of the State.

I believe it would be to the advantage of the State to require either the Clerk of the State Board of Land Commissioners or the Land Agent to keep a docket and enter each contested case therein, so as to have a complete history of each case from beginning to end.

The law requiring the appraisement of the State land appears so cumbersome and expensive that, in the opinion of your Agent, it should be modified or amended so as to provide that the State Land Agent or his assistant could go into a certain section or neighborhood and call to his assistance a bona fide resident and together let them appraise all lands required to be appraised in that vicinity. It would certainly be much less expensive and would answer the purpose for setting the price on lands which are to be sold and leased.

In the last annual report (see page 3) mention was made of the fact that from the selections made by the State on April 10, 1893, the Land Office had received fees on 9,516.28 acres on Agricultural College Grant List No. 1, Missoula Land Office (on which no fees were required), but upon which the State had paid \$120. Demand was made for repayment, which was referred to the Commissioner of the General Land Office, who decided that there was no law authorizing repayment. Since that time the State has lost by relinquishment, or rulings of the General Land Office, 3,512.70-100

acres, of which 469.88-100 was from Agricultural College lists upon which no fees were required, and 3,042.82-100 acres from the other grants, upon which \$38 fees were paid, and upon which the State has not received payment.

The following is a list of the amounts lost from the several grants:

Public Building list.....	896.70 acres
Normal School list.....	912.99 acres
School of Mines list.....	753.20 acres
Reform School list.....	320.00 acres
Deaf and Dumb Asylum list.....	159.82 acres
Total.....	3,042.82 acres

It will thus be seen that the State has paid an excess of fees amounting to \$150, for the repayment of which the Department holds there is no law. I therefore suggest that the honorable Board of State Land Commissioners have a relief bill prepared for that amount and forward the same to our Senators and representative in Congress.

I would recommend that application be made to the Surveyor General to have the following full and fractional townships surveyed:

All of T. 17 N., R. 15 W.

W. $\frac{1}{2}$ of T. 17 N., R. 14 W.

All of T. 18 N., R. 15 W.

E. $\frac{1}{2}$ of T. 18 N., R. 16 W.

This land is situated in the Clearwater valley from about the center of Clearwater lake north as far as Lake Rickards and east to the foot of the Kootenai range. There is quite a quantity of yellow pine, tamarack, and a large amount of spruce and fir, and as the prospects for a railroad in that vicinity are very flattering there will soon be a market for this timber should the projected railroad be completed.

Criticisms have been made by parties who reside at Bozeman and in that vicinity, who should be better informed, that the State Board of Land Commissioners had located the Agricultural land in the

Gallatin valley near where the Agricultural College is located and had placed the said lands to the account of Public Buildings and Normal School, and had gone a considerable distance to select lands to fill the Agricultural College grant, greatly to the detriment of the Agricultural College. For the information of said parties, and all others not knowing the facts, your Agent will state that in September and October, 1892, or several months prior to the location of the College at Bozeman, the honorable Granville Stuart, then acting as State Land Agent, visited Beaverhead, Gallatin and Madison counties and selected about everything he considered desirable. He reported the same to Governor Toole, then President of the Board of Land Commissioners, and the selections were apportioned by the Board to the several different grants, and if it so happened that the Agricultural College did not receive its full share of the Agricultural lands of Gallatin county, neither the present nor the former Board of Land Commissioners, nor any one connected therewith, are to blame.

In conclusion your Agent takes this occasion to tender his sincere thanks to the President and members of the State Board of Land Commissioners for the uniform kindness they have extended to him during his incumbency, also to the various railroad companies and many private individuals throughout the State for courtesies shown.

I have the honor to be

Your obedient servant,

R. O. HICKMAN,

State Land Agent.



